

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:23-cv-00897**

<b>IN RE:</b>	)	
<b>CAMP LEJEUNE WATER LITIGATION</b>	)	<b>DEFENDANT UNITED STATES</b>
	)	<b>OF AMERICA’S LOCAL CIVIL</b>
<b>This Document Relates To:</b>	)	<b>RULE 56.1 STATEMENT OF</b>
<b><i>All Cases</i></b>	)	<b>MATERIAL FACTS (DCE)</b>
	)	(Fed. R. Civ. P. 56(a); L. Civ. R. 56.1(a)(1))

Pursuant to Local Civil Rule 56.1(a)(1), the United States submits the following Statement of Material Facts in support of its Motion for Partial Summary Judgment on dichloroethylene (“DCE”). The materials cited herein have been filed with the United States’ Appendix to Local Civil Rule 56.1 Statement of Material Facts or were previously filed, including as part of the Joint Appendix for Phase II and III motions. (See [D.E. 456](#).)

1. Plaintiffs allege that volatile organic compounds (“VOC”) contaminated the Camp Lejeune water supply. (Master Compl., [D.E. 25](#), ¶ 29.)

2. One of these VOCs is dichloroethylene (“DCE”). (*Id.*)

3. Plaintiffs allege that they were exposed to water at Camp Lejeune contaminated in part with DCE, and that they have suffered serious harm or death. (See *id.* ¶¶ 209–10).

4. The Court has created “tracks” of diseases or illnesses to structure this litigation. (See [D.E. 23](#)(XI).)

5. The Track 1 diseases are kidney cancer, bladder cancer, leukemia, non-Hodgkin’s lymphoma, and Parkinson’s disease. (See [D.E. 23](#)(XI)(A)(i).)

6. The Court divided expert discovery in this litigation for Track 1 diseases into three phases: water contamination; general causation; and residual issues, such as specific causation and damages. (See [D.E. 270](#); [D.E. 332](#).)

7. On December 9, 2024, PLG disclosed fifteen (15) general causation experts and twenty-three (23) general causation reports. (PLG Phase II Exp. Discl. (JA Ex. 63, D.E. [463-2](#)).)

8. However, Steven B. Bird, M.D. (“Dr. Bird”) is the only expert who discusses DCE; aside from passing references, PLG’s other general causation experts do not.<sup>1</sup>

9. Specifically, in the kidney cancer, Parkinson’s disease, and bladder cancer reports disclosed by Dr. Bird, he states the following concerning DCE:

While very little data exists on how dichloroethylene affects humans and most regulatory bodies have not evaluated its carcinogenicity “due to a lack of information,” [ATSDR DEC ToxFAQ 2023, at 2], the National Toxicology Program classifies DCE as “reasonably anticipated to be a human carcinogen due to studies in experimental animals. [National Toxicology Program 15<sup>th</sup> Report on Carcinogens, 2021.] This is consistent with PCE’s other daughter products: TCE and vinyl chloride. [IARC Monograph 106, 2014 at 189] (“There is sufficient evidence in humans for the carcinogenicity of [TCE]”); [IARC Monograph 97, 2008 at 425] (“There is sufficient evidence in humans for the carcinogenicity of vinyl chloride.”). PCE itself is classified as “probably carcinogenic to human.” [sic] [IARC Monograph 106, 2014 at 329].

(D.E. [464-4](#), at 13; D.E. [463-6](#), at 15; D.E. [467-1](#), at 13.)

10. As seen above, Dr. Bird states that the National Toxicology Program has classified DCE as “reasonably anticipated to be a human carcinogen,” citing the 15th Report on Carcinogens published in 2021 (the “NTP 2021 Report”).

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<sup>1</sup> See generally Bird GC Rep. (Kidney) (JA Ex. 83, D.E. [464-4](#)); Freeman Rep. (Kidney) (JA Ex. 86, D.E. [464-7](#)); Hatten GC Rep. (Kidney) (JA Ex. 90, D.E. [464-11](#)); Mallon GC Rep. (Kidney) (JA Ex. 92, D.E. [464-13](#)); Bird GC Rep. (Bladder) (JA Ex. 67, D.E. [463-6](#)); Culp Rep. (JA Ex. 70, D.E. [463-9](#)); Gilbert Rep. (Bladder) (JA Ex. 73, D.E. [463-12](#)); Hatten GC Rep. (Bladder) (JA Ex. 76, D.E. [463-15](#)); Plunkett Rep. (JA Ex. 81, D.E. [464-2](#)); Bird GC Rep. (NHL-Leuk) (JA Ex. 103, D.E. [465-8](#)); Felsher GC Rep. (NHL-Leuk) (JA Ex. 107, D.E. [466-1](#)); Gilbert Rep. (NHL-Leuk) (JA Ex. 108, D.E. [466-2](#)); Gondek GC Rep. (JA Ex. 96, D.E. [465-1](#)); Mallon GC Rep. (Leukemia) (JA Ex. 98, D.E. [465-3](#)); Hu GC Rep. (JA Ex. 111, D.E. [466-5](#)); Bird GC Rep. (PD) (JA Ex. 118, D.E. [467-1](#)); Boehme Rep. (JA Ex. 121, D.E. [467-4](#)); Cannon Rep. (JA Ex. 123, D.E. [467-6](#)); Costa Rep. (JA Ex. 127, D.E. [467-10](#)); De Miranda Rep. (JA Ex. 129, D.E. [467-12](#)); Freeman Rep. (PD) (JA Ex. 131, D.E. [467-14](#)); Miller GC Rep. (JA Ex. 132, D.E. [467-15](#)).

11. The NTP 2021 Report, however, does not contain a classification for the chemical dichloroethylene. (App’x, **Exhibit 1**, NTP 2021 Report, Substances Listed.)

12. The NTP 2021 Report, instead, classifies a different chemical, 1,2-dichloroethane, as “reasonably anticipated to be a human carcinogen” based on animal studies. (*See id.* at 4; App’x, **Exhibit 2**, NTP 2021 Report, dichloroethane.)

13. Moreover, Dr. Bird does not opine that DCE can cause the Track 1 diseases. (*See generally* [D.E. 464-4](#); [D.E. 463-6](#); [D.E. 467-1](#); [D.E. 465-8](#). (Reps. Steven B. Bird).)

14. Dr. Laura Plunkett, Ph.D, quotes a case-control study of male breast cancer and Camp Lejeune. ([D.E. 464-2](#), at 36 (noting the results of the study “suggested possible associations between male breast cancer and being stationed at Camp Lejeune and cumulative exposure to . . . DCE . . . .”))

15. Dr. Plunkett admitted at her deposition that she did not try to “do a general causation overall assessment.” (Plunkett Dep. Tr. at 60:4-6 (JA Ex. 157, D.E. [469-11](#)).)

16. Dr. Plunkett also admitted that she was not asked to opine on DCE. (*Id.* at 100:4-18.)

17. None of PLG’s general causation experts offered anything more than passing references to DCE. (*See generally supra* n. 1 (collecting citations).)

18. None of PLG’s general causation experts (including Dr. Bird and Dr. Plunkett) opine that DCE can cause any of the Track 1 diseases. (*See generally id.*)

Dated: September 9, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2025, I electronically filed the foregoing using the Court's Electronic Case Filing system, which will send notice to all counsel of record.

/s/ David R. Ortiz  
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